

REMARKS/ARGUMENTS

Claims 1, 2, 5-22 and 25-42 are currently pending in this application.

Claim Rejections - 35 USC § 103

Claims 1, 2, 5-22 and 25-42 stand rejected under 35 USC §103 as being unpatentable over Porter et al. (U.S. Patent No. 6,977,912, hereafter "Porter") in view of Kraiem et al. (U.S. Patent No. 6,370,369, hereafter "Kraiem"). The Applicant's respectfully traverse and submit that these claims are patentable over the cited art for the following reasons.

Claim 1 contains the following feature which is not contained in the combination of Porter and Kraiem:

in at least one station, calculating a metric of a modulated signal indicative of motion of at least one of the stations or motion of objects in the signaling path as a function of a change in at least one modulation attribute of the modulated signal transmitted across the wireless link between the first and second stations.

(Emphasis added.) The Examiner cites column 11 lines 1-10 of Porter as disclosing that the invention of Porter can determine location and velocity of the interferers. Porter, however, provides no details as to how this determination might be done except to say that monitoring channel metrics "allows the network to gather spatial

information" and that "[i]t should therefore be possible to determine interferer location and velocity." (Emphasis added.) The applicants therefore respectfully submit that Porter does not enable a person of ordinary skill in the art to make and use the invention as recited in the Applicants' claim 1 and supported in the Applicants' specification at, for example, p. 10, line 25 through page 12, line 2.

Kraiem does not remedy this deficiency. The invention of Kraiem is related to reducing the time needed to determine an antenna pair having a best signal quality. To the extent that Kraiem discloses a wireless network comprising mobile terminals, this does not make up the deficiency of Porter presented above because Kraiem does not disclose the above quoted element of Claim 1. Claim 1 is therefore patentable over the combination of Porter and Kraiem.

Claims 21, 41 and 42, while not identical to Claim 1 contain features similar to those quoted above in Claim 1. Applicants therefore respectfully submit that Claims 21, 41 and 42 are also patentable over the combination of Porter and Kraiem for reasons similar to those presented above concerning claim 1.

Claims 2 and 5-20 are dependant either directly or indirectly from Claim 1 and are therefore patentable over the combination of Porter and Kraiem for at least the reasons presented above concerning Claim 1.

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Claims 22 and 25-40 are dependant, either directly or indirectly, from Claim 21 and are therefore patentable over the combination of Porter and Kraiem for at least for the reasons given above concerning Claim 21.

Based on the arguments presented above, withdrawal of the rejections of Claims 1, 2, 5-22 and 25-42 under 35 USC §103(a) is respectfully requested.

Claims 15-17 and 35-37 stand rejected under USC §103(a) as being unpatentable in view of Porter in view of Kraiem and further in view of McNicol et al (U.S. Patent No. 5,940,454). Applicants respectfully submit that Claims 15-17 and 35-37 are patentable over the cited art for the following reasons. Claims 15-17 are dependant from Claim 1. Claims 35-37 are dependant from Claim 21. As argued above, Claims 1 and 21 both recite features not contained in Porter, and Kraiem does not remedy these deficiencies. McNicol does not remedy these deficiencies either. The invention of McNicol is concerned only with fixed subscriber units. (see for example, McNicol column 6 lines 3-8). McNicol does not contain the quoted elements of Claim 1 and the similar elements of Claim 21. Therefore, the combination of Porter, Kraiem and McNicol does not teach all of the features of Claims 15-17 and 35-37. These claims are therefore patentable over the cited art.

Based on the arguments presented above withdrawal of the rejection of Claims 15-17 and 35-37 under 35 USC §103(a) is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 2, 5-22 and 25-42, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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